

UNITED KINGDOM

Items	Regulations in force on 1 January 2019
<p>1: Notification procedures in the case of individual dismissal of a worker with a regular contract</p>	<p>Individual termination: Employees with 2 years' continuous service have the right to receive from their employers, on request, a written statement of the reasons for their dismissal. Employees dismissed during pregnancy or statutory maternity leave are entitled to receive a statement regardless of whether they have asked for one and regardless of length of service.</p> <p>Redundancy: Consultation with recognised trade union recommended, but not legally required when few workers are affected.</p> <p>Calculation (for EPL indicators): average of $(0+1)/2$ for individual termination and $(1+3)/2$ for redundancy.</p> <p>As of a certain number of dismissals (see Item 18): see item 19.</p>
<p>2: Delay involved before notice can start</p>	<p>Individual termination: Written or oral notification.</p> <p>Calculation (for EPL indicators): 2.25 (average of 1 for individual termination and $(1+6)/2$ for redundancy, taking 5 days for consultation)</p> <p>As of a certain number of dismissals (see Item 18): see Item 20.</p>
<p>3: Length of notice period at different tenure durations (a)</p>	<p>All workers: $0 < 1m$, $1w < 2y$, plus one additional week of notice per year of service up to a maximum of 12 weeks.</p> <p>Calculation (for EPL indicators): 9 months tenure: 1 week, 4 years tenure: 4 weeks, 20 years tenure: 12 weeks.</p> <p>As of a certain number of dismissals (see Item 18): Dismissals may not take effect until 30 days after notifying BIS if 20-99 workers are involved, and 45 days when 100+ workers are involved.</p>
<p>4: Severance pay at different tenure durations (a)</p>	<p>All workers: none.</p> <p>Legally required only for redundancy cases with 2 years tenure: half a week per year of service (age up to 21); 1 week per year (ages 22 to 40); 1.5 weeks per year (ages 41 to 64), limited to 30 weeks and £ 464 per week (The Employment Rights (Increase of Limits) Order 2014) and indexed to inflation. According to a government study, 40% of firms exceed legal minima.</p> <p>Calculation for EPL indicator for individual dismissals: average of redundancy (assuming worker is aged 35 at the start of employment) and other cases (no severance pay): 9 months tenure: 0, 4 years tenure: 2 weeks, 20 years tenure: 13.5 weeks.</p>

5: Definition of unfair dismissal (b)	<p>Fair: Dismissals relating to the capability, qualifications or conduct of the employee; because he/she is redundant; because continued employment would be illegal; or some other "substantial reason". One year tenure generally necessary for being able to file for unfair dismissal. Unfair: Dismissals related to a range of reasons including trade union activity, health and safety whistleblowing, pregnancy or maternity, and the national minimum wage. No qualifying service required for complaints for these reasons</p> <p>In the event of redundancy, the employer does not have to prove that dismissal is essential for future profitability. The starting point for legal protection is that the commercial judgment as to the future needs of a business is for the employer to make. This includes decisions as to how many employees are needed to do work of a particular kind in a particular location. Tribunals will not look behind those decisions, as long as they are the genuine reason for dismissal. If the redundancy is not the real reason, then the real reason will be determined, and the fairness of the dismissal assessed against that.</p> <p>In order for a dismissal to be fair, it must meet the general test for a fair dismissal in s98(4)(a) ERA: fairness depends on whether, in the circumstances (including the size and administrative resources of the employer's undertaking) the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee. In applying this test, the tribunals will consider a range of factors, including:</p> <ul style="list-style-type: none"> - whether the employer has identified an appropriate 'pool for selection' of employees - whether appropriate selection criteria have been formulated, and fairly applied, in order to choose which employees to make redundant - whether there has been appropriate consultation with individuals affected - whether the availability of suitable alternative employment has been considered. The scope of this consideration (i.e. whether at plant / firm / group level) will depend on what is reasonable in the circumstances of the case.
6: Length of trial period (c)	<p>Trial periods are for agreement between employer and employee, but do not affect the employee's statutory employment rights. Claims under unfair dismissal legislation are not normally possible until 2 year's service has been completed.</p>
7: Compensation following unfair dismissal (d)	<p>Compensation may consist of various elements: basic award (up to £12 900); compensatory award (up to £72 300); and additional awards (up to £22 360). Unlimited, if the dismissal is connected with health and safety matters or whistleblowing. Compensation under discrimination legislation is also unlimited. Median award is around £4500. Taking all this into account, it is reasonable to assume that average compensation of someone with 20 years of service who is earning close to median salary would reach about 8 months' pay. For those that earn significantly more, or for those where all or most of their 20 years' service was carried out below the age of 41, this award will typically be less (often substantially less) than 8 months of wage.</p>
8: Reinstatement option for the employee following unfair dismissal (b)	<p>Employers are not obliged to reinstate but if a tribunal orders reinstatement or re-engagement in a comparable job and the employer refuses to comply, the tribunal may make an additional award on top of the basic and compensatory awards.</p> <p>Re-instatement may be ordered against the employer's advice, if the employer are no good reasons to object (Case law: Appeal No. UKEAT/0198/16/LA).</p>
9: Maximum time period after dismissal up to which an unfair dismissal claim can be made (e)	<p>Within three months of the employee's effective date of termination. If the application is received any later than that date, the tribunal will consider the complaint only if they believe it was not reasonably practicable for the employee to have made the complaint within the three-month period and that it has been made within such further period as they consider reasonable. However, the time limit will be extended in certain circumstances by a further three months where the employee has reasonable grounds for believing that a dismissal or disciplinary procedure (statutory or otherwise) is still in progress at the point where the normal time limit would have expired.</p>
10: Valid cases for use of standard fixed term contracts	<p>No restrictions.</p>
11: Maximum number of successive standard FTCs (initial contract plus renewals and/or prolongations)	<p>No limit</p>

12: Maximum cumulated duration of successive standard FTCs	4 years, after which the employee will be automatically made a permanent employee unless the employer can objectively justify the use of an FTC (Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, Regulation 8).
13: Types of work for which temporary work agency (TWA) employment is legal	General
14: Are there restrictions on the number of renewals and/or prolongations of TWA assignments? (f)	No restrictions
15: Maximum cumulated duration of TWA assignments (f)	No limit
16: Does the set-up of a TWA require authorisation or reporting obligations?	No authorisation or reporting requirements.
17: Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	From day 1 of an assignment, agency workers are given access to certain facilities provided by the hirer, and access to information about job vacancies. After a 12 week qualifying period, agency workers are entitled to the same basic terms and conditions of employment as if they had been employed directly by the hirer.
18: Definition of collective dismissal (b)	For collective redundancies (defined as “dismissal for a reason not related to the individual concerned” by section 195 of the Trade Union and Labour Relations Act, TULRA), regulations apply for dismissal of 20+ employees within 90 days.
19: Additional notification requirements in cases of collective dismissal (g)	Notification of employee representatives: Duty to inform and consult with recognised trade union or other elected employee representatives. Notification of public authorities: There is a requirement to notify the Department for Business, Innovation and Skills (BIS), so that the appropriate Government agencies can take action to help the affected employees.
20: Additional delays involved in cases of collective dismissal (h)	Dismissals may not take effect until 30 days after notifying BIS if 20-99 workers are involved, and 45 days when 100+ workers are involved.
21: Other special costs to employers in case of collective dismissals (i)	Type of negotiation required: Consultation on selection standards and dismissal procedures. Selection criteria: No criteria laid down in law, except for prohibition of discrimination. Often mix of seniority and performance-based criteria. Severance pay: No special regulations for collective dismissal.
22: The worker alone has the burden of proof when filing a complaint for unfair dismissal	No
23: Ex-ante validation of the dismissal limiting the scope of unfair dismissal complaints	No
24: Pre-termination resolution mechanisms granting unemployment benefits	Leaving a job voluntarily (as a result of resignation or mutual consent) does not prevent access to unemployment benefits. But where an eligible adult leaves employment voluntarily or, without good reason, loses employment because of misconduct or fails to take up an offer of employment prior to applying for UC (i.e. pre-claim failures), a higher level sanction (i.e. a waiting period of 13, 26 or 78 weeks) can be applied (Section 102 of the Universal Credit Regulations (2013)).

Legend: d: days; w: weeks; m: months; y: years. For example “1m < 3y” means “1 month of notice (or severance) pay is required when length of service is below 3 years”.

Notes:

a) Three tenure durations (9 months, 4 years, 20 years). Case of a regular employee with tenure beyond any trial period, dismissed on personal grounds or economic redundancy, but without fault (where relevant, calculations of scores to compute OECD EPL indicators assume that the worker was 35 years old at the start of employment). Averages are taken where different situations apply – e.g. blue collar and white collar; dismissals for personal reasons and for redundancy.

b) Based also on case law, if court practice tends to be more (or less) restrictive than what specified in legislation.

c) Initial period within which regular contracts are not fully covered by employment protection provisions and unfair dismissal claims cannot usually be made.

d) Typical compensation at 20 years of tenure, including back pay and other compensation (e.g. for future lost earnings in lieu of reinstatement or psychological injury), but excluding ordinary severance pay and pay in lieu of notice. Where relevant, calculations of scores to compute OECD EPL indicators assume that the worker was 35 years old at the start of employment and that a court case takes 6 months on average. Description based also on case law.

e) Maximum time period after dismissal up to which an unfair dismissal claim can be made.

- f) Description based on both regulations on number and duration of the contract(s) between the temporary work agency and the employee and regulations on the number and duration of the assignment(s) with the same user firm.
- g) Notification requirements to works councils (or employee representatives), and to government authorities such as public employment offices. Only requirements on top of those requirements applying to individual redundancy dismissal count for Versions 1 to 3 of the OECD EPL indicators (cf. Item 1).
- h) Additional delays and notice periods in the case of collective dismissal (only delays on top of those required for individual dismissals – as reported in Items 2 and 3 – count for the OECD EPL indicators).
- i) This refers to whether there are additional severance pay requirements and whether social compensation plans (detailing measures of reemployment, retraining, outplacement, etc.) are obligatory or common practice.